

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TERRANCE E. LACEY SR.,

Plaintiff,

v.

INDIANA DEPT. OF CORRECTIONS,

Defendant.

CAUSE NO.: 3:18-CV-323-JD-MGG

OPINION AND ORDER

Terrance E. Lacey, Sr., a prisoner without a lawyer, filed an amended complaint. “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers . . .” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Nevertheless, pursuant to 28 U.S.C. § 1915A, this court must review the complaint and dismiss it if the action is frivolous or malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief. “In order to state a claim under [42 U.S.C.] § 1983 a plaintiff must allege: (1) that defendants deprived him of a federal constitutional right; and (2) that the defendants acted under color of state law.” *Savory v. Lyons*, 469 F.3d 667, 670 (7th Cir. 2006).

Notably, the court dismissed Lacey’s initial complaint because the only defendant named in that complaint was the Indiana Department of Correction, and because of sovereign immunity, the Department is not a proper defendant. ECF 5. Though the fact allegations in the amended complaint name two mail room clerks, the

amended complaint still indicates that Lacey is attempting to sue the Indiana Department of Correction as the sole defendant. ECF 6 at 1. Moreover, even if he had named the mail room clerks as defendants, his claim that they “failed to deliver his mail untampered with at various times” is simply too vague.

The court will give Lacey one final opportunity to state a valid claim by filing an amended complaint. If Lacey wishes to file an amended complaint, a copy of this court’s approved form – Prisoner Complaint (INND Rev. 8/16) – is available upon request from the prison law library. He must put the cause number of this case which is on the first page of this order. To proceed in this case, at minimum, Lacey must name suable defendants and should carefully describe his interactions with each defendant, including names, dates, the nature of the mail at issue, and a detailed explanation of how each defendant was responsible for interfering with his mail. This narrative should be organized in numbered paragraphs.

For these reasons, the court:

(1) GRANTS Terrance E. Lacey, Sr., until June 22, 2018, to file an amended complaint; and

(2) CAUTIONS Terrance E. Lacey, Sr., that if he does not respond by that deadline, his case may be dismissed without further notice.

SO ORDERED on May 22, 2018

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT